

Research Partnership Platform
9th meeting

Wednesday, 11 July 2017
Room XVII, Palais des Nations, Geneva

Class Actions in Competition Law

Presentation by

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School of
Management and Law

9th Meeting of the UNCTAD Research Partnership Platform
Geneva, Wednesday 11th July 2018

Class Actions in Competition Law



Building Competence. Crossing Borders.

Dr. iur. Fabio Babey, Deputy Head Center for Competition Law (ZHAW)

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Class Actions in Competition Law

Agenda

- I. Framework
- II. Substance
- III. Outlook

I. Framework

Mission

Strengthening Antitrust Civil Law Introduction of Class Action Law Suits

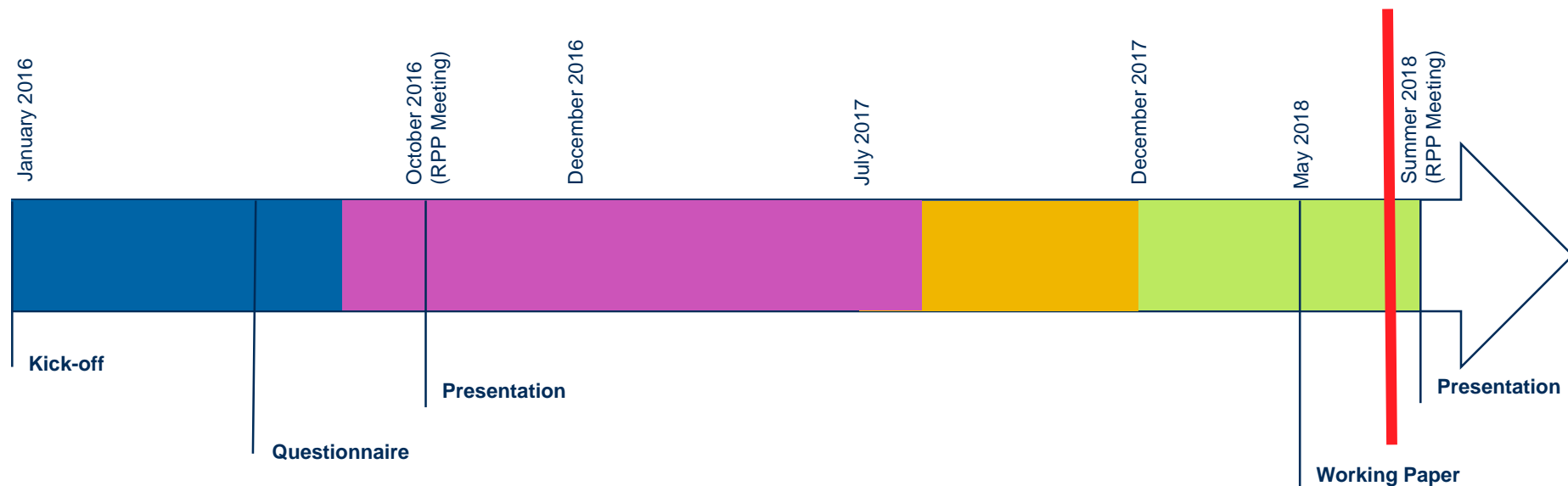
1 Analyse the functioning of antitrust class action lawsuits

2 Establish « Best Practices Class Action in Competition Law »

I. Framework

Timeline

Status Quo

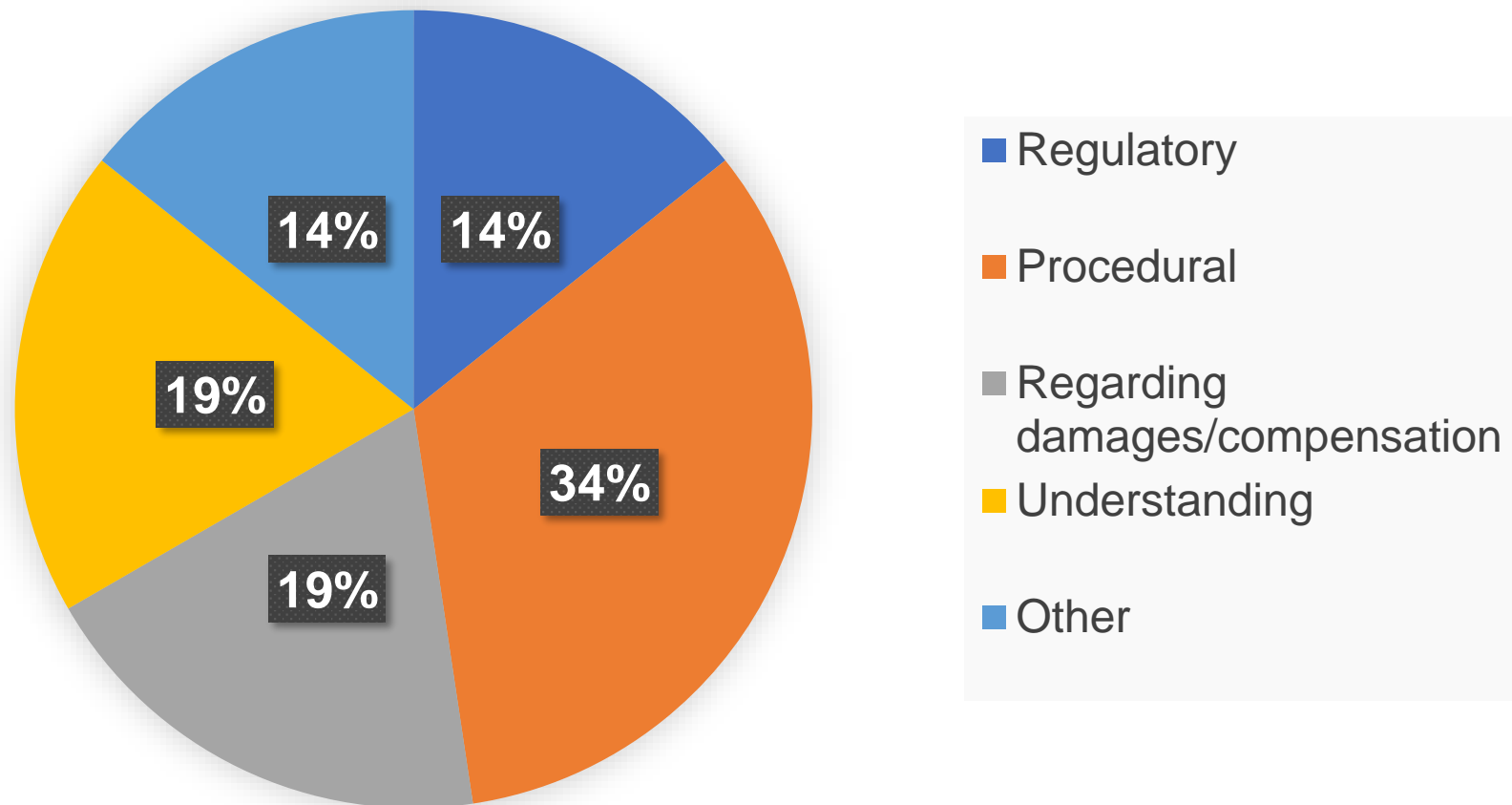


- **Phase 1:** Survey the relevant legal systems and case studies → identify the substance and implementation of class actions
- **Phase 2:** Evaluate results and create «Best Practices Class Action in Competition Law Regimes»
- **Phase 3:** Propositions for implementation in specific law regimes
- **Phase 4:** Evaluate tools and tricks and assist legal framework guaranteeing class actions

II. Substance

Empirical Study, Country reports & Research

The challenges in approx. 100 countries worldwide:



II. Substance

Some of the «Best Practices»: Pre-trial

*“**Everyone** shall have standing”*

*“**Follow-on** class actions seem more suitable”*

*“**Certification** procedure to determine if there is a class”*

*“Class action **register**”*

*„Two requirements for class members seem suitable:
commonality and **identification** of the class”*

II. Substance

Some of the «Best Practices»: Trial

*“**Plaintiff** shall **prove** his case with courts assistance”*

*“**Deadlines** to prevent lengthy proceedings”*

*“**Coordination** between Court and
Competition Authority”*

*“**Binding** effect of the final judgement”*

*„Some sort of **funding** should be available”*

III. Outlook

- Publication of «Best Practices» is coming and will be provided for free as PDF
- Please contact us for further information or if you are interested in the publication





**Thank you for your
attention!**

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